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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,264	12/31/2003	Ian Legate	1865-US	8491
61574	7590	10/10/2008		
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LEXINGTON, MA 02421				
EXAMINER				
TO, TUAN C				
ART UNIT		PAPER NUMBER		
3663				
MAIL DATE		DELIVERY MODE		
10/10/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/749,264

**Applicant(s)**

LEGATE ET AL.

**Examiner**

TUAN C. TO

**Art Unit**

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 1-4, and 9-24.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 9-15 and 18-24 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-4 and 9-15 is/are allowed.  
6) ☒ Claim(s) 18-24 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 31 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/SB08)  
Paper No(s)/Mail Date 08/14/2008  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mocek (US 20030182577A1).

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Mocek discloses a system and method for testing telematics software comprising:

A computer (see figure 1, the telematic control unit 102);

A telematics application, loaded on the computer and written using generic requests that are not particular to any make or model of vehicle (see paragraph 0050);

An electronic interface, operatively coupled to the computer, for connecting to a proprietary data bus of the vehicle (see paragraph 0041);

And an abstract software layer, loaded on the computer and operatively disposed between the telematics application and the electronic interface (see paragraph 0040),

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Mocek so that the abstract software layer is constructed and arranged for extracting vehicle data from the proprietary vehicle data bus in response to the generic requests from the telematics application and for providing the extracted data to the telematics application.

Claims 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mocek (US 20030182577A1) and in view of Shultz et al. (US 7269482B1).

Mocek fail to disclose that the telematics application includes navigation application, security application, and diagnostic application.

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The reference to Shultz et al. is provided as teaching an in-vehicle information system including the navigation application, the security application, and the diagnostic application (see column 3, lines 46-66).

Hence, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system of Mocek to include the various applications as taught by Shultz et al. in order to gain the advantage of increasing vehicle's user satisfaction of obtaining different vehicle data as desired.

***Allowable Subject Matter***

Claims 1-4, and 9-15 are set in a condition of allowance because none of the cited references of record, neither alone nor in combination, fairly suggests the step of retrieving, by the abstract software layer and responsive to a request for vehicle parameter data from the telematics application, vehicle data bus configuration information from a database that stores data bus configuration information for a plurality of different types of data buses, the retrieved vehicle data bus configuration information being associated with the type of data bus used on the vehicle on which the telematics application is executed; extracting vehicle parameter data from the vehicle data bus using the vehicle data bus configuration information retrieved from the database, the vehicle parameter data corresponding to the request for vehicle parameter data; accessing, responsive to the step of requesting vehicle parameter data, a database that stores data bus configuration information for a plurality of different vehicle makes; querying the database to retrieve data bus configuration information for a particular vehicle

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make that corresponds to the vehicle; extracting vehicle parameter data from a vehicle data bus using the vehicle data bus configuration information; and conditionally requesting other vehicle parameter data by the telematics application depending upon the extracted vehicle parameter data.

### ***Conclusions***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan C To whose telephone number is (571) 272-6985. The examiner can normally be reached on from 8:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on 571-272-6878.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan C To/

Primary Examiner of Art Unit 3663/3600

October 7, 2008

